

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

Saturnino Joseph Javier,

Defendant.

NO. Cr00-00184

DEFENSE COUNSEL'S  
RECOMMENDATION RE: PROBATION  
VIOLATION

TO: The Clerk of the Court

AND TO: United States Probation Officer, Jerrod Akins  
Appearing Attorney

**I. INTRODUCTION**

Defendant Saturnino Joseph Javier plans to admit to the following violations:

1. Leaving the judicial district without the permission of the probation officer;
2. Committing the crime of Battery against a person at a bar;
4. Obstructing a police officer;
5. Consuming alcohol;
6. Failing to report contact with a law enforcement officer within 72 hours.

DEFENSE COUNSEL'S RECOMMENDATION RE: PROBATION  
VIOLATION- 1

LAW OFFICES OF  
RESSLER & TESH  
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SEATTLE, WA 98104  
(206) 388-0333

1 It is our understanding that Mr. Javier is going to plead guilty to criminal offenses in San Luis  
2 Obispo charging him with the violations enumerated in paragraph two and four of the violation  
3 report.

4 Javier has agreed to admit to the same criminal violations that he intends to plead guilty to in  
5 California.

## 6 **II. DISPOSITION**

7 Counsel respectfully recommends that the Court adopt the probation officer's dispositions and  
8 sentence Mr. Javier at the low end of the range which we calculate to be four (4) to ten (10)  
9 months.

## 10 **III. BASES FOR RECOMMENDATION**

11 Mr. Javier has been fully compliant with his supervision requirements since his release other  
12 then the violations reported above. He left the district to attend his father's 60<sup>th</sup> birthday  
13 celebration and compounded the problem by consuming alcohol. Mr. Javier has agreed to  
14 participate in alcohol counseling and the Nooksack Tribe is agreeable to assist with payment for  
15 the counseling. In addition, Mr. Javier has been steadily employed since he has been released  
16 from custody, providing support for his wife and children. He should be permitted to serve the  
17 balance of his term of confinement on work release so that he may involve himself in alcohol  
18 counseling and continue with his current employment.

19  
20 Respectfully submitted.

21 /s/ Allen M. Ressler

22  
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DEFENSE COUNSEL'S RECOMMENDATION RE: PROBATION  
VIOLATION- 2

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 15, 2007, I electronically filed the above document with the clerk of the court using the CM/ECF system which will send notification of such filing to the attorneys of record for the defendant and the government. I hereby certify that I have served any other parties of record that are non CM/ECF participants via Tele-fax/US postal mail.

Dated this 15<sup>th</sup> day of November, 2007.

/s/ Erin E. Cline

Erin E. Cline, Paralegal  
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